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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/629,241	07/31/2000	Maury E. Collett II	CLT-100	3877

23557 7590 10/10/2006

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EXAMINER

EPPS, TODD MICHAEL

ART UNIT PAPER NUMBER

3632

DATE MAILED: 10/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/629,241	COLLETT, MAURY E.	
	Examiner	Art Unit	
	Todd M. Epps	3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-16, 18-27, 30-34 and 36-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14-16, 18-27, 30-34, and 36 is/are allowed.
- 6) ☒ Claim(s) 37-46, and 48-50 is/are rejected.
- 7) ☒ Claim(s) 47 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is the second Office Action for application serial number 09/629,241, Wiring Clip For Securing Electrical Wiring to a Framing Member, filed on July 31, 2000.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claims 37- 51 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 37, lines 12 –17, the word “metal framing stud member” cites combination / subcombination problem. “Metal framing stud member” is not positively cited in the preamble of claim 37.

Regarding claims 50, and 51, the word “metal framing stud member” cites combination / subcombination problem. “Metal framing stud member” is not positively cited in the preamble of claims 37 and 45.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

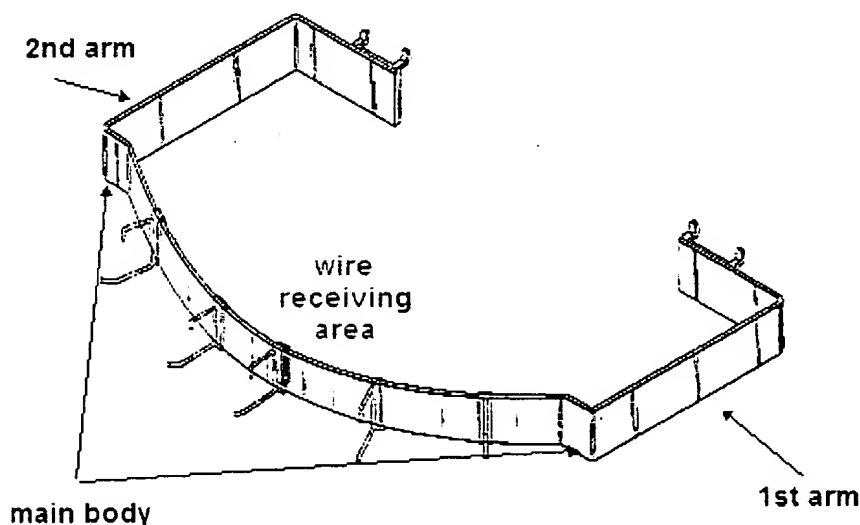
A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 37, 38, 41, 42, 43, 45, 46, 48, 49, 50, and 51 are rejected under 35

U.S.C. 102(b) as being anticipated by U.S. Design Patent No. 413,471 to Romeo. The present invention reads on as follows: a wiring clip comprising: a main body; a first arm located at a first end of the main body, wherein the first arm comprises a first attachment means; a second arm located at a second end of the main body, wherein the second arm comprises a second attachment means; a wire receiving area adjacent the main body, wherein the wire receiving area is located between the first arm and the second arm; further comprising a wire compression member within the wire receiving area, wherein the first attachment means for attaching comprises a J-hook; wherein the second attachment means for attaching comprises a bend in the second arm; and wherein the wiring clip is made of a flexible metal.



Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 39, 40, and 44 rejected under 35 U.S.C. 103(a) as being unpatentable over Romeo '471.

Romeo '471 fails to disclose wherein the wire compression member comprises a substantially resilient material; wherein the wire compression member is made of a material of rubber material; and wherein the wiring clip is made of a flexible plastic.

Nevertheless, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Romeo '471 to include the above mentioned materials because such a modification would have been considered a mere design configuration to optimize the invention which fails to patentably distinguish over the prior art reference of Romeo '471.

Allowable Subject Matter

Claims 14-16, 18-27, 30-34, and 36 are allowed.

Regarding claims 14, 32, and 33, the prior art fails to disclose a method for securing electrical wiring to a metal framing stud member; and wherein attaching the first arm to a first side of the metal framing stud member and attaching the second arm

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to a second side of the metal framing stud member brings the main body in contact with the face of the metal framing stud member.

Claim 47 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The prior art fails to disclose the wire receiving area comprises a snap mechanism.

Response to Arguments

Applicant's arguments filed July 18, 2006 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

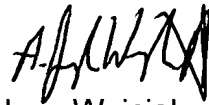
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Todd M. Epps whose telephone number is 571-272-8282. The examiner can normally be reached on M-F (7:30-4:30).

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature consisting of the letters "TME" enclosed within an oval.

Todd M. Epps
Patent Examiner
Art Unit 3632
September 29, 2006

A handwritten signature in cursive script, appearing to read "J. Wujciak".

Joey Wujciak
Primary Examiner
Art Unit 3632